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ATTORNEYS FOR PLAINTIFFS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINA LABAJO, HOWARD CLARK, and
BERRY SAIZON

Plaintiffs,

vs.

GENERAL NUTRITION CORPORATION and
DOES 1-100,

Defendants.

Case No.: 4:19-cv-01984-HSG

**STIPULATION TO DISMISS
WITH PREJUDICE PURSUANT
TO FED. R. CIV. P. 41(a)(1)(A)(ii);
ORDER**

WHEREAS, on March 12, 2019, Plaintiffs Christina Labajo, Howard Clark and Berry Saizon (“Plaintiffs”) filed a Complaint for Declaratory and Injunctive Relief and damages against General Nutrition Corporation (“GNC”) in the Superior Court California, San Francisco County for violations of California’s Unfair Competition Law and Consumers Legal Remedies Act;

WHEREAS, on April 12, 2019 GNC removed Plaintiffs’ action to the United States District Court for the Northern District of California;

1 WHEREAS, on June 11, 2019, GNC answered Plaintiffs' Complaint asserting 30 affirmative
2 defenses;

3 WHEREAS, on December 3, 2019, Plaintiffs filed a First Amended Complaint for
4 Declaratory and Injunctive Relief for Violation of California's Unfair Competition Law;

5 WHEREAS, the parties have resolved Plaintiffs' claims; and

6 WHEREAS, the parties agree to the herein Stipulation of Dismissal with Prejudice Pursuant
7 to Fed. R. Civ. P. 41(a)(1)(A)(ii) with each party bearing its own attorneys' fees, costs and expenses.

8 NOW THEREFORE, the parties respectfully request that all claims in Plaintiffs' Amended
9 Complaint be DISMISSED WITH PREJUDICE.

10 IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

11
12 Dated: February 4, 2020

FEINSTEIN DOYLE PAYNE & KRAVEC, LLC

13 By: /s/ Wyatt A. Lison

Wyatt A. Lison

Attorneys for Plaintiffs

Christina Labajo, Howard Clark, and

Berry Saizon

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16 Dated: February 4, 2020

COZEN O'CONNOR

17 By: /s/ Andrew M. Hutchison via consent


Andrew M. Hutchison

Attorneys for Defendant

General Nutrition Corporation'

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21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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23 Date: 2/4/2020

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Hon. Haywood S. Gilliam, Jr.
U.S. District Judge